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BEFORE THE

ILLINOIS COMMERCE COMMISSION

HOUSE OF PRAYER)
(TINA PETTIFORD))
)
-vs-) DOCKET NO.
) 14-0463
ILLINOIS-AMERICAN WATER)
COMPANY)
)
Complaint as to inaccurate))
billing in Washington))
Park, Illinois.))

Springfield, Illinois

Wednesday, February 11, 2015

Met, pursuant to notice at 9:00 a.m.

BEFORE:

John D. Albers, Administrative Law Judge

MIDWEST LITIGATION SERVICES, by
Angela C. Turner
CSR #084-004122

1 APPEARANCES:

2 Tina Pettiford
3 House of Prayer
4 5501 North Park Dr.
5 Washington Park, Illinois 62204
6 (Appearing on behalf of House of Prayer.)

7 Kenneth Jones
8 Illinois-American Water Company
9 100 North Water Works Dr.
10 Belleville, Illinois 62223
11 (Appearing on behalf of Illinois-American
12 Water Company.)

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1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in me
3 by the Illinois Commerce Commission, I now call
4 Docket Number 14-0463. This docket was initiated by
5 Tina Pettiford and the House of Prayer against
6 Illinois-American Water Company. It concerns a
7 complaint relating to alleged inaccurate billing.

8 May I have the appearances for the record,
9 please?

10 MS. PETTIFORD: My name is Tina Pettiford
11 and I am with the House of Prayer to All Nations
12 Church located in Washington Park, Illinois.

13 MR. JONES: And for the Company, your Honor,
14 Kenneth Jones. Address is 100 North Water Works
15 Drive, Belleville, Illinois, 62223. And phone number
16 is (618) 239-3222.

17 JUDGE ALBERS: Thank you.

18 Let the record reflect that there are no
19 others wishing to enter an appearance. I will note
20 for the record that, normally, Judge Yoder would be
21 here today, but he had a family issue to take care of
22 on short notice. So I am here for you today.

23 I am not aware of any preliminary matters.
24 But if anybody has any questions or concerns they

1 want to raise right now, feel free. Otherwise, we
2 can go into the testimony.

3 (No response.)

4 JUDGE ALBERS: All right. There not being
5 any other preliminary matters, we'll go ahead and
6 swear in the witnesses at the same time. And
7 Mr. Jones, you can call your witness first once we
8 get started.

9 So if our witnesses can stand and I will
10 swear you both in.

11 (Witnesses sworn.)

12 MR. JONES: Your Honor, you would like the
13 Company to proceed first?

14 JUDGE ALBERS: Go ahead, please.

15 MR. JONES: Your Honor, I'd like to call as
16 the Company's witness Gabriel Bowden. And the last
17 name is spelled B-O-W-D-E-N.

18 GABRIEL BOWDEN,
19 called as a witness on behalf of the Company, being
20 first duly sworn, was examined and testified as
21 follows:

22 DIRECT EXAMINATION

23 QUESTIONS BY MR. JONES:

24 Q. And Mr. Bowden, could you please state your

1 name?

2 A. Gabriel Bowden.

3 Q. I am going to hand you what has been
4 previously marked as IAWC Exhibit 1.00.

5 Did you cause direct testimony of Gabriel
6 Bowden to be filed in this proceeding on the Illinois
7 Commerce Commission's e-Docket system on December 12,
8 2014, which was marked IAWC Exhibit 1.00?

9 A. Yes, I did.

10 Q. Was that testimony prepared by you or under
11 your direction?

12 A. Yes, it was.

13 Q. If asked under oath the questions posed in
14 the direct testimony of Gabriel Bowden, would your
15 answers be the same as those contained in that
16 pre-filed testimony?

17 A. Yes, they would.

18 Q. Is the information contained in the direct
19 testimony of Gabriel Bowden true and correct to the
20 best of your knowledge and belief?

21 A. Yes.

22 MR. JONES: Your Honor, I would like to move
23 for admission into the record of IAWC Exhibit 1.00.

24 JUDGE ALBERS: Okay. We'll rule on

1 admissibility following any cross examination.

2 One quick question though. Is this filed on

3 e-Docket?

4 MR. JONES: Yes, it was.

5 JUDGE ALBERS: And the hard copy you gave me

6 is the same on e-Docket?

7 MR. JONES: Yes, your Honor.

8 JUDGE ALBERS: Okay. Thank you.

9 Ms. Pettiford, do you have any questions for

10 Mr. Bowden?

11 MS. PETTIFORD: I was thinking that if I had

12 a witness and they wasn't able to present -- come or

13 wanted to do cross -- well, no, I don't have any

14 questions. I was going to say I wasn't aware that he

15 was going to be here today. But that's fine.

16 JUDGE ALBERS: Well, if you want a moment to

17 look at his testimony again to see if you have any

18 questions, we can do that.

19 MS. PETTIFORD: No. I know his testimony.

20 JUDGE ALBERS: All right. No questions?

21 MS. PETTIFORD: If you can give me a moment,

22 I want to check my notes on exactly what day it was

23 that I did speak with him.

24 JUDGE ALBERS: Go ahead.

1 MS. PETTIFORD: We can proceed.

2 JUDGE ALBERS: Okay. I just have one quick

3 question, Mr. Bowden, for myself.

4 Do you know, off the top of your head, is

5 there a total dollar amount in dispute that's been

6 calculated?

7 THE WITNESS: It is around \$850 is what I

8 recall.

9 JUDGE ALBERS: That's fine. I didn't do the

10 math, and my quick review of the file, I was

11 wondering if you knew off the top of your head.

12 MS. PETTIFORD: Coming up with \$987.

13 JUDGE ALBERS: Okay. I think that's --

14 THE WITNESS: I don't know if that -- does

15 that amount that you quoted include --

16 MS. PETTIFORD: The credits.

17 THE WITNESS: The credits?

18 MS. PETTIFORD: Yes, uh-huh.

19 MR. JONES: Do you have anything to add for

20 the judge?

21 THE WITNESS: So the total balance on the

22 bill, as of yesterday, or Tuesday -- what is today,

23 Wednesday?

24 JUDGE ALBERS: Yes.

1 THE WITNESS: As of Monday, was \$1,036.23.
2 \$857.82 was over 60 days; \$67.17 was between 31 and
3 60 days; and then \$55.13 is current.

4 JUDGE ALBERS: Thank you. I will give you a
5 chance to add anything if you want to.

6 If there's no other questions then for
7 Mr. Bowden, is there any objection to the admission
8 of his testimony?

9 MS. PETTIFORD: I guess, according to their
10 records, prior to that, everything was just set up on
11 an automatic payment where, you know, whatever the
12 bill amount was, it was taken out of our account.

13 So now, and as far as the -- we just figured
14 up last night exactly where we stand, as far as
15 the -- what the bill should be and how much we are
16 disputing. So we have no problem paying anything
17 that is -- that we owe.

18 JUDGE ALBERS: Do you have any objection to
19 just admitting this testimony into the record for
20 consideration by the Commission?

21 MS. PETTIFORD: No, I have no problem.

22 JUDGE ALBERS: IAWC Exhibit 1.0 is admitted.

23 (IAWC Exhibit 1.00 was admitted
24 into evidence at this time.)

1 JUDGE ALBERS: And did the Company have
2 anything further for its case?

3 MR. JONES: Not on the direct case.
4 Thank you, your Honor.

5 JUDGE ALBERS: All right. Then
6 Ms. Pettiford, it's your turn.

7 I can, if you would like, walk you through
8 some of the introductory stuff for your testimony.

9 MS. PETTIFORD: I appreciate it.

10 TINA PETTIFORD,
11 the Complainant herein, called as a witness on her
12 own behalf, being first duly sworn, was examined and
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MS. PETTIFORD:

16 JUDGE ALBERS: Did you previously submit in
17 this case a document entitled Direct Testimony,
18 consisting of two pages, which also included and I
19 will just identify for the record here, a letter
20 dated August 5, 2014, from Hubert Plumbing and
21 Heating Company?

22 MS. PETTIFORD: Yes, uh-huh.

23 JUDGE ALBERS: And then several bills from
24 Illinois-American Water Company. Try to identify the

1 issuance date. The billing dates on the first being
2 March 10, 2014. I see one with the billing date of
3 March 14, 2014. And one dated April 7, 2014.
4 There's also a bill dated June 4, 2014. I am sorry.
5 I skipped one. A May 8, 2013 --

6 MS. PETTIFORD: Uh-huh.

7 JUDGE ALBERS: -- bill.

8 A June 5, 2014, billing date on the next
9 one. A July 7, 2014, billing date on the next one.
10 Followed by an August 6, 2014, billing date. A
11 September 8, 2014, billing date. October 7, 2014,
12 billing date. November 6, 2014, billing date. And a
13 January 10, 2014, billing date. February 11, 2014,
14 billing date. November 7, 2013, billing date.
15 December 9, 2013, billing date. September 12, 2013,
16 billing date. And October 10, 2013, billing date.

17 And also at the end of that, there was a
18 document at the top or the left-hand corner that says
19 Exhibit A, and it is labeled as the direct testimony
20 of Dwight O'Neil.

21 Is that what you submitted as your direct
22 testimony, all those documents together?

23 MS. PETTIFORD: Yes. Yes, your Honor.

24 JUDGE ALBERS: And I will identify your

1 rebuttal testimony. Did you also submit in this case
2 rebuttal testimony consisting of two pages? And
3 there does not appear to be any attachments to that
4 document, is that correct?

5 MS. PETTIFORD: I can't -- I have to pull
6 every one to see if there's -- it sounds like you
7 have all the information that's needed with that.
8 But exact -- to say what day what was submitted, I
9 have to pull all that. But it looked like you have
10 everything that you need.

11 The two testimony, one from the plumber,
12 licensed professional plumber with the state of
13 Illinois. And then also someone that -- testimony
14 from someone that had worked for their company,
15 Illinois-Water, for 20-some years. And then also,
16 testimony on that same letter from someone who is
17 currently working for them that came out to see our
18 facility as well.

19 JUDGE ALBERS: Okay.

20 MS. PETTIFORD: To see why the bill was
21 high. And none of them found any justification why
22 it should be high.

23 JUDGE ALBERS: Okay. Now, if you were asked
24 the same questions and the same information, would

1 you give the same answers today?

2 MS. PETTIFORD: Yes. Yes, your Honor.

3 JUDGE ALBERS: Do you have any corrections
4 to make to any of this? Any errors you want to
5 correct?

6 MS. PETTIFORD: No, but what I have noticed
7 since that time, that the meter was changed on
8 February 20, 2014, and it was tested on March 3rd.

9 But since that time, the bills have been
10 running, on an average -- well, the highest thus far
11 was \$74 and the lowest thus far it looks like \$55.
12 And this, we didn't occupy the building until April
13 of this year. I mean last year, April 2014.

14 We have a licensed daycare facility, which
15 capacity is 83 children. So prior to that, no one's
16 in the building, a brand-new building. And these
17 bills here. But like I said, since that time, notice
18 that everything, you know, is running on an average
19 and considering licensed with a capacity of 83
20 children.

21 JUDGE ALBERS: Okay.

22 Do you have any questions for Ms. Pettiford?

23 MR. JONES: About the specific exhibits,
24 your Honor, or just in general, cross?

1 JUDGE ALBERS: Do you have any cross
2 questions? Or for that matter, do you have any
3 clarifications or objections to the exhibits?

4 MR. JONES: I have no objections to the
5 exhibits, your Honor. I do have questions.

6 JUDGE ALBERS: Okay. Go ahead.

7 MR. JONES: Thank you.

8 CROSS EXAMINATION

9 QUESTIONS BY MR. JONES:

10 Q. You just brought up the fact, Ms. Pettiford,
11 that the building was not occupied until April of
12 2014?

13 A. Yes, uh-huh.

14 Q. But you were a tenant of the building -- at
15 least the church was a tenant of the building since
16 April 2012?

17 A. No. See, the church -- this is a new
18 community building that's attached to the church.
19 The church has its own meters. The church has
20 approximately, I think, three meters. And none of
21 this -- this meter is tied to the new facility. I
22 think it's two meters over there that's tied to
23 the -- our new facility, which is 5503 North Park
24 Drive.

1 Q. Now, but before the facility was occupied,
2 there was a water count, correct, that you were
3 getting water bills since at least 2012?

4 A. Yes. Yes, sir.

5 Q. And as you said, nobody was in the building
6 despite there being a current water account from
7 April 2012 until April 2014?

8 A. That's correct.

9 And I wanted to say, the building was there.
10 I came on the scene 10/10/10, when I married my
11 husband. But the building was there perhaps almost
12 now ten years. And we just decided, since my husband
13 became the pastor of the church and the bank wanted
14 their money, that we better start getting some of
15 these ministries up. And the daycare facility was
16 the first ministry that we started on, which it was
17 pretty much there. It's just that we had to get
18 licensed for it.

19 Q. Sure. Thank you.

20 So prior to your occupation of the building
21 in April 2014, there was an open, current water
22 account?

23 A. Yes, sir.

24 Q. And the water was on at the building?

1 A. Yes.

2 Q. So since it wasn't -- the building wasn't
3 occupied, you wouldn't know, at the time, whether
4 there was a leak anywhere on the premises?

5 A. We would have realized it through the bill,
6 because we set up the bills as far as on an automatic
7 thing where you were taken out.

8 Q. Sure.

9 A. What brought it to my attention was --

10 Q. I think we'll get there if you let me ask
11 some questions.

12 And so you wouldn't know if any faucets were
13 left on in the building while it wasn't occupied?

14 A. Um, yes.

15 Q. Turned on or left on?

16 A. Well, we would have came back and found the
17 water found on.

18 Q. Since the building wasn't occupied for all
19 those months, you wouldn't know if anybody was taking
20 or stealing the water from the premises?

21 A. We have our water thing locked up on the
22 side, so we would know that.

23 Q. Even before the building was occupied in you
24 say March of -- I am sorry, April of 2014, there was

1 water usage registered at that account, correct?

2 A. Sir, it's been water use registered there
3 for over perhaps eight years. But nothing to this
4 extreme. And it didn't start until May, when I --
5 now that I look back at it, was May 8, 2013. And
6 there's been peaks. And one was with the May 18,
7 2013 bill, September 12, 2013, October 10th,
8 November 7th, and February 11, 2014. Those are the
9 peak bills. And after the meter was changed, there
10 was no more peak bills.

11 Q. I think we'll get to that also.

12 A. Okay.

13 Q. Let me show you what I've marked IAWC
14 Exhibit 2.00. I am showing you what I will describe
15 as a printout of the meter reads for your premises.

16 And you'll see that if you look at the
17 September 5, 2013 --

18 A. Wait. September 5th?

19 Q. Yes.

20 A. September 5th, okay. I see it, sir.

21 Q. If you look to the far right, it says 48 for
22 usage.

23 A. Yes, uh-huh.

24 Q. That was the first bill that you got that

1 you're complaining of here that was a high bill,
2 correct?

3 A. I thought at first. But when we broke it
4 down, it seemed as if May 8, 2013, the bill was
5 \$110.28.

6 Q. And that's my point really. That before
7 what you're claiming now was the high usage in an
8 unoccupied building, you actually had usage in the
9 July 13th bill of one unit, which in a unit is about
10 750 gallons. The May 2013, you had 15 units, which
11 was about 11,000 gallons. The month before that,
12 April 3rd, there were two units and there were
13 additional usage amounts. That's seven -- the seven
14 unit usage in December of 2012, which is about 5,250
15 gallons.

16 There was fairly regular usage measured in
17 that building prior to the high bill that was
18 registered in September of 2013, isn't that correct?

19 A. Sir, I am not disputing that there was high
20 bills, because that's why I am here. I'm saying that
21 these high bills should not be. So if you're trying
22 to say that, yes, these are bills that only coincide
23 what I am here for, because it should not be. And I
24 don't understand why. And it seemed like the problem

1 was corrected after the meter was changed.

2 Q. And we'll get to that also.

3 And in fact, before the meter was changed in
4 December of 2013, if you see, it was December 4,
5 2013, the meter reading date, there was zero usage.
6 So there was three months of high usage in September,
7 October, November. And then in December 2013, before
8 the meter was changed, there was no usage measured.
9 Isn't that correct?

10 A. There was a time where we took -- we did
11 everything to troubleshoot. And one of the things
12 were from a -- from the Illinois Water Company, one
13 of your representatives, was to just turn the
14 meters -- turn the meter off. So that's what it
15 probably did register. And I am not for sure exactly
16 what day that -- I remember that was the situation.

17 But once again, Mr. Jones, these high bills
18 that you're saying is, again, the reason why I am
19 here. So yes, it is saying that there was some high
20 use bills, yes.

21 Q. And I am showing you, if I may, your Honor,
22 what I have marked IAWC Exhibit 3.00. And that
23 really is just printouts of the bills that House of
24 Prayer received for this account from a bill date of

1 September 12, 2013, through July 7th of 2014. And I
2 will ask you a couple of questions about that.

3 Now, you also, at one point, stated that
4 there was a leaking toilet on the premises, isn't
5 that correct?

6 A. No. What happened was, when I called and
7 had you guys come out, you guys came out and said
8 that it doesn't show any leak or anything of that
9 sort. And when I was talking -- and I made that in
10 the direct testimony, that when I was talking to
11 someone, they said that -- well, when your
12 representative to come out, they told me to call the
13 company and say that I should get a credit.

14 So the lady, when I was talking to her, she
15 stated, okay, but what is the problem. And I said
16 that they couldn't find any problem. And I
17 specifically told her that our licensed professional
18 plumber came out and said that there was no problem.
19 She said that in order to get any type of credit,
20 then it has to be fixed. I said, ma'am, it is fixed.
21 It's fixed, because there was nothing ever broken.
22 And that, you know, she said, well, the only way you
23 can get a credit is saying that the leak is fixed.
24 And I said, ma'am, I am saying that everything was

1 fixed, because nothing was broken according to the
2 licensed professional plumber.

3 Q. Thank you.

4 I am also showing you, if I may, IAWC
5 Exhibit 4.00. And these are screens and notes from
6 our company's customer call handlers that they take,
7 as you might imagine, take notes -- computer notes --
8 when customers call in just to record.

9 If you look at page two, the second page
10 there. And about this point in the page under Order
11 Comments. And this is dated October 30, 2013.

12 Do you see where it says: Believes the
13 issue has been fixed in the last couple of weeks, but
14 would like verification. Please call ahead and
15 inspect for leaks.

16 So this is our American Water call handler
17 taking down notes from the conversation.

18 A. Uh-huh.

19 Q. So the call handler records that you or
20 somebody at the -- actually, it says Tina. So I
21 believe that would be you. Says the issue has been
22 fixed.

23 Then if you could turn to page nine. That
24 big blurb in the middle. It says: June 19, 2014,

1 spoke to Tina Pettiford. She isn't happy with the
2 adjustment and thought it should have been more for a
3 toilet leak. Her plumber told her in October the
4 leak he repaired didn't use that much water.

5 These are notes our call handler would have
6 taken down. But she wrote down in this business
7 record that you reported that there was a leak that
8 had been repaired by the plumber. Is that correct?

9 A. That's incorrect. You guys supplied us with
10 things to test to see -- we used your equipment to
11 test it, and nothing. It came up with no leaks. And
12 according to the plumber's record, his letter, he can
13 tell you that there was no leak.

14 Q. And if you look at, if you could, page 24.

15 A. Page 24, yes, sir.

16 Q. Again, just about the middle of the page.
17 This is a note dated January 27, 2014. The call
18 handler wrote: Tina, office manager, upset because
19 of high water bill causing high sewer bill.
20 Customer's BPN not worked. Agent will send a
21 supplemental email to follow up. Leak was in toilet.
22 This is a commercial property, which typically
23 doesn't qualify for a toilet adjustment.

24 Again, at least this call handler noted that

1 there had been a leak in the toilet, whether you
2 agree with that or not.

3 A. Yes. But prior to this, your -- as you can
4 see on before, they kept on saying that it can be
5 adjusted. Adjusted. And then this one did say that
6 according to a commercial -- according to our
7 document, a commercial is not even qualified for an
8 adjustment.

9 So there's been so many inconsistencies in
10 people that's representing your company, you know,
11 there. Because I wouldn't have wasted my time, you
12 know, going through -- we had to pay the professional
13 plumber hundreds of dollars to come out to go through
14 our building to find out if there was any leaks. But
15 you know, didn't even realize it was going to be that
16 high. We could have -- you know, if it was not going
17 to be any adjustment.

18 Q. Let me ask you too. You have referenced
19 before a meter test.

20 And so the Company, at your request, did
21 test the meter?

22 A. Your company, not our company.

23 Q. Yes. Illinois-American Water tested the
24 meter at your request?

1 A. Right.

2 Q. And were you informed of the results of the
3 meter test?

4 A. They stated that it wasn't anything wrong
5 with the meter, yes. That's what they told us.

6 Q. So I am showing you, if I could, what I have
7 marked as IAWC Exhibit 5.00. And you will see that
8 the meter was tested on March 3rd. At high flow, it
9 measured -- it registered 96.69 percent flow. At
10 medium flow 107 percent, and at low flow
11 97.5 percent, which was an average of 99.29 percent
12 meter test.

13 Do you see that?

14 A. I see what you have written down on the
15 paper, yes, I do.

16 Q. And that meter was changed on February 20th
17 of 2014, at your request?

18 A. Yes, according to my record, that is
19 correct.

20 Q. And the meter test showed that the meter
21 that was removed and taken out tested within
22 parameters. Almost 100 percent accuracy.

23 A. Okay. We show that after a couple of times
24 requesting what was going on with the meter, I

1 finally reached someone on March 3rd. And they said
2 that they found no problem with the meter.

3 Q. And do you have any other evidence or review
4 or investigation that there was a problem with the
5 meter?

6 A. According to our bills.

7 Q. Just according to the bill?

8 A. Yes.

9 Q. As to the way the meter was functioning, you
10 have no evidence that it was --

11 A. Sir, that's not my area of expertise. The
12 only thing I can go by is bills that we received that
13 just shouldn't be.

14 Q. Sure. I understand.

15 And you were, in fact -- the account was, in
16 fact, given an adjustment, correct?

17 A. Yes. It was given an adjustment. One was
18 for \$240, one for \$153. Which right now, we're
19 looking at \$987 that you guys have overcharged us.

20 Q. And even though, as I think you stated, the
21 company policy is not to give leak adjustments even
22 on -- not to give leak adjustments on commercial
23 accounts, only under residential accounts?

24 A. That's what I was told.

1 Q. And you were, in fact, offered a payment
2 plan to make payments over time for the outstanding
3 amount?

4 A. Sir, let me say something. Our account was
5 set up on an automatic where you guys took this money
6 out of our account, which means that we didn't have
7 no problem paying our water bill. The only problem
8 we have is paying for something that we did not
9 receive.

10 Q. I understand that. Your reason for not
11 accepting the payment plan was that you didn't
12 believe you owed the --

13 A. Correct.

14 Q. In fact, when you requested -- the
15 Company -- the House of Prayer requested automatic
16 deduction prior to October of 2013, out of the
17 account to pay the water bills, correct?

18 A. That's correct.

19 Q. And in October, when this issue arose to
20 your attention, you stopped the payment plan?

21 A. Yes.

22 Q. The automatic payment?

23 A. I sure did.

24 MR. JONES: All right. I have no questions

1 further at this point. Thank you.

2 JUDGE ALBERS: I have a clarifying question.

3 I think you said earlier when we were
4 looking at this exhibit, IAWC Exhibit 2.

5 MS. PETTIFORD: Yes.

6 JUDGE ALBERS: You made a reference to the
7 water being turned off at the suggestion of an
8 Illinois-American representative.

9 When you say "turned off", you mean like the
10 valve on the inside?

11 MS. PETTIFORD: Yeah. The valve in the
12 ladies' restroom. We turned that off for a while to
13 see.

14 JUDGE ALBERS: The customer side of the
15 meter?

16 MS. PETTIFORD: Customer side, yes.

17 I want to tell you, they represented it from
18 Illinois-American Water has been -- was threatening
19 us that they were going to turn off the water even
20 after I told them that we had contacted you. They
21 said, we do not care about that. You pay us. And
22 once this case is proven, we'll credit your account
23 back.

24 So then I talked again to you guys and

1 that's when I put it in my notes who I talked to from
2 the Illinois Commerce. And they contact Illinois
3 Water. And immediately, pretty much, that's where
4 Gabriel come in and said that, yes, they did
5 disconnect your water and they should not have
6 disconnected. I had kids in the daycare. And it was
7 brought to my attention by a kid in the daycare.

8 Then also, here it is again dated
9 February 17, 2015, another disconnection notice.
10 They know that we are in dispute here. Saying that
11 my water, if it's not paid by February 17, 2015, that
12 it will be disconnected again. I am sorry. I did
13 not make copies. But if you would like to view this,
14 please feel free, about this disconnection again
15 telling me to pay for a bill that we did not -- we
16 did not make.

17 JUDGE ALBERS: Okay. So the one you gave
18 me, you just got this one?

19 MS. PETTIFORD: I just got that. I just
20 opened it yesterday.

21 JUDGE ALBERS: Okay.

22 MS. PETTIFORD: I don't know when it was
23 received, but I just opened it yesterday. Again, a
24 threat telling us it's going to be disconnected.

1 JUDGE ALBERS: Okay. I see it's dated
2 February 5, 2015. Due by February 17, 2015.

3 MS. PETTIFORD: Yes, if that's not paid.

4 JUDGE ALBERS: Do you want this to be part
5 of the record?

6 MS. PETTIFORD: If they would allow it to
7 be, yes, I would like for it to be. It's from their
8 company.

9 MR. JONES: No objection.

10 JUDGE ALBERS: Is that the same document?

11 MS. PETTIFORD: Yes, it is. I only had two
12 copies, on both sides.

13 JUDGE ALBERS: I don't want to take your
14 original.

15 MS. PETTIFORD: This is my original here.

16 JUDGE ALBERS: This is the same thing?

17 MS. PETTIFORD: Yes.

18 JUDGE ALBERS: This is a copy you made?

19 MS. PETTIFORD: That's a copy I made.

20 JUDGE ALBERS: I can make additional copies
21 of this today. And that way, they can have a copy of
22 it and the court reporter can have a copy and I can
23 have a copy.

24 MS. PETTIFORD: If you would like, I just

1 noticed there's nothing on the back. I am sure they
2 have access to this whole thing here.

3 JUDGE ALBERS: It's double-sided. It's just
4 three sheets of paper, so we can handle it.

5 MS. PETTIFORD: Sure. Okay.

6 JUDGE ALBERS: Let me hold onto that. I
7 will get that double-sided for you.

8 MS. PETTIFORD: Okay.

9 JUDGE ALBERS: I won't write on this just
10 yet since it's the original one, but you might want
11 that back.

12 So I am going to call this Pettiford
13 Exhibit 3. Because I am going to mark your direct
14 testimony as Pettiford Exhibit 1. And your rebuttal
15 testimony as Pettiford Exhibit 2.

16 MS. PETTIFORD: That's fine, your Honor.

17 JUDGE ALBERS: And then just also for
18 clarification. Originally, there was the church
19 building on this site. And then later, there was
20 this additional building in which it was built later?

21 MS. PETTIFORD: Yes. It's we have our
22 church building on one side. Then that's been there
23 forever. And within the last, I think, eight years
24 or so, a new community was built attached to the

1 church. I think we have a total, altogether, maybe
2 five or six meters.

3 Now, we first thought when we started
4 receiving these bills that that meter was tied to the
5 church. But come to find out, the meter was tied to
6 our new building which no one was in at that time.

7 JUDGE ALBERS: So the new building was built
8 adjacent to the church and it sat empty for a couple
9 of years?

10 MS. PETTIFORD: It sat empty for about maybe
11 eight years.

12 JUDGE ALBERS: And then --

13 MS. PETTIFORD: We always pretty much had a
14 water bill.

15 JUDGE ALBERS: So customer monthly bill?

16 MS. PETTIFORD: Right.

17 JUDGE ALBERS: Then when did you start using
18 the building for the daycare?

19 MS. PETTIFORD: The daycare, it was in
20 April 2014, last year, we started using. But I mean,
21 I give you a copy of this too. If this can be, it
22 kind of -- if you can just look at it. I know you
23 guys have this. Where after -- once again, after the
24 meter was changed, and starting with our March 10,

1 2014, we no longer received any outrageous bills
2 anymore. And then a month later is when we finally
3 went in the building and started occupying the
4 building.

5 JUDGE ALBERS: Do you want this admitted?

6 MS. PETTIFORD: Yes, please, sir.

7 JUDGE ALBERS: Do you have any objection to
8 this?

9 MR. JONES: No, your Honor.

10 JUDGE ALBERS: Just for the record, it
11 appears to be a compilation of all the monthly bills
12 starting on January 2013 through and including
13 February 5, 2015.

14 And I will do the same thing and make a copy
15 of that.

16 MS. PETTIFORD: Sure.

17 JUDGE ALBERS: Call that Pettiford
18 Exhibit 4.

19 MS. PETTIFORD: And if you can supply them
20 with a copy of that as well.

21 JUDGE ALBERS: Yeah. It's a single sheet of
22 paper. It's not a problem.

23 MS. PETTIFORD: Thank you. I'm sorry.

24 JUDGE ALBERS: I think that's the only

1 clarification I sought.

2 Did you, Mr. Jones, want to admit into the
3 record the exhibits you identified during cross
4 examination?

5 MR. JONES: Yes, your Honor, I move to admit
6 IAWC Exhibits 2.00 through 5.00.

7 JUDGE ALBERS: Did you have any objection to
8 the admission of any of these four exhibits?

9 MS. PETTIFORD: No. I only think it's
10 justified what I am saying. We could have saved a
11 tree. I think what I justified supports it.

12 JUDGE ALBERS: All right. And then is there
13 any objection then to the admission of Pettiford
14 Exhibits 3 and 4?

15 MR. JONES: No objection. But I would like
16 to ask Mr. Bowden some questions concerning that
17 exhibit.

18 JUDGE ALBERS: Which one?

19 MR. JONES: Number 3. When it's my time.

20 JUDGE ALBERS: The disconnection notice?

21 MR. ONES: Correct.

22 JUDGE ALBERS: All right.

23 Why don't we go ahead and let you do that
24 now. I don't have anymore questions.

1 And then, after that, I will give you a
2 final opportunity to close your case, so to speak.

3 MS. PETTIFORD: Sure.

4 JUDGE ALBERS: If you want to refer to that,
5 you can have that back.

6 MR. JONES: Thank you.

7 REDIRECT EXAMINATION

8 QUESTIONS BY MR. JONES:

9 Q. Mr. Bowden, if I can ask you, how does the
10 company's hold on account process work when there is
11 a billing dispute?

12 A. If there is a billing dispute, the account
13 is placed on hold, generally, from 30 to 60 days.

14 Q. And what happens when the dispute lasts
15 longer than 30 to 60 days?

16 A. An additional hold will need to be placed on
17 the account.

18 Q. How is it determined how long that
19 additional hold will be?

20 A. If guidance is given from someone or it's
21 another 30 days or 60 days.

22 Q. And apparently, this Exhibit 3, collection
23 notice or disconnection notice, went out on
24 February 5th.

1 And let me ask you, first of all, have you
2 seen this document before?

3 A. I have not seen that document before.

4 Q. Do you have -- so you don't have any
5 personal knowledge about the reasons why this went
6 out?

7 A. So the -- if I could speak to the hold on
8 the account. It fell off on February 1st.

9 Q. And do you have any knowledge of when the
10 request was made to put the account on hold --
11 continue the hold on the account?

12 A. I believe that was on the 5th or 6th of
13 February.

14 Q. I am sorry. When the hold was placed on the
15 account through February 1, 2015, when was that
16 request for the hold -- for that particular hold
17 initiated? Do you have any idea?

18 A. At least 60 days prior. My recollection is
19 it was a three-month hold that we placed on the
20 account in December.

21 Q. In this matter, it's an unusually long
22 period for a hold, for a complaint to be open, is
23 that correct?

24 A. Yes.

1 Q. Would it be your understanding that the hold
2 just fell off because the length of the time of the
3 complaint was so long, administratively, somebody
4 forgot to extend the hold past February 1st?

5 A. Yes, that is correct.

6 Q. Had, in fact, a hold -- an additional hold
7 been put on the account prior to today, prior to your
8 sending this?

9 A. Yes.

10 Q. When was that additional hold placed on the
11 account?

12 A. Best of my recollection, I think it was
13 February 6th.

14 Q. And what is the current expiration date for
15 that hold?

16 A. That one went up through March 1st. Excuse
17 me. We're in February. Yes, March 1st.

18 Q. So on February 6th, which was last --

19 JUDGE ALBERS: Friday.

20 Q. (By Mr. Jones) -- Friday, a request was
21 made to put a hold on this account through April 1st
22 (sic) at least?

23 A. Yes.

24 Q. Pending the resolution of his complaint?

1 A. Yes.

2 Q. So is it your understanding that this
3 disconnection notice went out, really, in error and
4 should not have gone out, given the pendency of this
5 complaint?

6 A. Yes.

7 MR. JONES: Thank you.

8 I have no more questions for Mr. Bowden.

9 JUDGE ALBERS: Okay. You have an
10 opportunity now to make any closing statements, if
11 you will, or rebuttal to anything you just heard.

12 CLOSING STATEMENT

13 BY MS. PETTIFORD:

14 I do like how Mr. Gabriel ended that. Yes,
15 in error. I have just been finding numerous "in
16 errors" on your part, and I am glad you admit to that
17 one. Because I have received disconnection notice,
18 not just that one in error. Even these bills are in
19 error. Received a disconnection notice June 23,
20 2014. Received another disconnection notice -- and I
21 don't have them in order here -- but March 14, 2014.
22 Another one August 18, 2014.

23 So I have been receiving a whole bunch of
24 disconnection notices. And also, as I would say,

1 harassment stating that if I don't pay it or set it
2 up on a payment plan, then you're going to disconnect
3 my water, in which you did once. And again, like
4 Mr. Gabriel said, they disconnected in error.

5 But all these things are in error. And it's
6 dealing with us trying to run a business. And also
7 the fact that trying to get us to pay for something
8 that we did not -- we didn't have this water bill.
9 This is not our water bill. It's in error that your
10 machine is. I wish that that was -- someone would
11 step up to that. I don't believe that you perhaps
12 know that it's in error, and I don't believe you. I
13 believe what you know is in error, you have admitted
14 to what is in error. But whoever, these water bills,
15 they're not admitting that.

16 But like I said, we have no problem -- and
17 that's the reason why people have it on automatic
18 deduction. Now, if we didn't have it on automatic
19 deduction, then you know, every time a bill come, we
20 call in and fussing. We say take the money out. But
21 when you was taking the money out and I noticed that
22 it was too much, the first time I noticed that was
23 one for \$110.

24 I am a very busy person. I am a licensed

1 professional counselor. Just got married. Trying to
2 run a whole building here. So we set it up because I
3 didn't want it to be late. I didn't want us to
4 receive late bills, you know. And I wanted it to be
5 paid on time. So we set these things up like that.
6 But once I noticed that too much was taken out of our
7 account, I had to stop it.

8 And your Honor, I am just -- that we did --
9 my husband, he's a mathematical genius, he totaled it
10 up --

11 JUDGE ALBERS: Before we lose that, I am
12 going to grab that so I can make a copy of it later.

13 MS. PETTIFORD: Sure. I have several others
14 if you would like to make copies of all the other
15 disconnections since it's been turned over to the
16 Illinois Commerce Commission office.

17 JUDGE ALBERS: I will just grab one. That's
18 the one we identified earlier.

19 If you want to move for the admission of the
20 other ones, we can. And we'll see if Mr. Jones has
21 any objection. It's up to you.

22 MS. PETTIFORD: I mean, here, I am just --

23 JUDGE ALBERS: Take your time.

24 MS. PETTIFORD: Sure.

1 It should be easy to find, because they're
2 pink. You can just take that one. And this one.
3 This one. This one. Just looking for pink paper.

4 Okay. Those are four additional
5 disconnection notices since this has been a pending
6 case.

7 JUDGE ALBERS: I am just going to identify
8 them by date for the record. And I will see if
9 Mr. Jones has any objection to any of that.

10 MS. PETTIFORD: Sure.

11 JUDGE ALBERS: First one doesn't have the
12 mailing dates or billing date, so to speak, because
13 it looks like the top part was sent in with payment.
14 But the deadline for payment on it, it says April 14,
15 2014. The second one has a date of June 11, 2014.
16 The third one has a date of August 5, 2014. And the
17 fourth one has a date of October 7, 2014.

18 So Mr. Jones, do you want to look at these?

19 MR. JONES: Sure.

20 JUDGE ALBERS: Do you have any objection to
21 their admission?

22 MR. JONES: Thank you, your Honor. We have
23 no objections.

24 JUDGE ALBERS: Okay. I have identified the

1 individual ones.

2 Why don't we call this Pettiford Group
3 Exhibit 5. And I will make copies of those and give
4 them back.

5 MS. PETTIFORD: Yes. I did want to -- it
6 seems like you brought something to my attention,
7 Judge, that one was dated -- which we can't hardly
8 tell, because the first part of it is missing. But
9 it's March 14, 2014. This one is June 23rd. And
10 this one is August.

11 So I think you were saying how many days did
12 you guys put holds?

13 MR. BOWDEN: Anywhere from 30 to 60 days.

14 MS. PETTIFORD: Okay.

15 JUDGE ALBERS: All right. And did you have
16 anything else you wanted to close with?

17 MS. PETTIFORD: Yes. Let me see.

18 We are House of Prayer to All Nations Church
19 requesting that our account be credited approximately
20 \$987, and to close this matter so we can move forward
21 with our billing and to close this case.

22 JUDGE ALBERS: In calculating that amount,
23 did you allot for any payment that you did think was
24 appropriate for the months in question?

1 MS. PETTIFORD: Did I allow for any?

2 JUDGE ALBERS: Right.

3 I mean, for the months in question that had
4 the high bill, did you allow any payment for those
5 months?

6 MS. PETTIFORD: We were making payments for
7 those months. And I think the way my husband figured
8 this up, he took all the high bills, okay, and which
9 was done in 2013. And according to our bills, 2014,
10 took those bills. And if you can see where it says
11 that bill was \$110, an estimate of \$60.28 going along
12 with what the bill was for in 2014 with kids in the
13 center.

14 And being a licensed daycare facility,
15 you're talking about as soon as they come in, they
16 got to wash hands. As soon as they get ready to eat,
17 they got to wash their hands. As soon as they used
18 the restroom. The first thing they do when they come
19 into the center is use the restroom and wash their
20 hands. Before they eat, they use the restroom and
21 wash their hands. That's three times. Before they
22 come back into the building from outside play, they
23 wash their hands. Before they eat, they wash their
24 hands. After they eat, they wash their hands.

1 And this is a little bit -- even given that
2 estimate, it's a little bit high. So it was
3 requesting a credit for that, for \$100 and then \$150.
4 Now, we also deduct the credit that has been given
5 thus far, because the total of the credit we looked
6 at should have been about \$1,380 when you minus the
7 \$240 and minus the \$153, come up to approximately
8 nine-hundred and -- well, come up to exact \$987. But
9 we are saying approximately because of estimating and
10 give and take.

11 Q. You estimated what you think you should have
12 owed for the months in question and subtracted that
13 from the amount, and you also subtracted the two
14 credits you got from the Company?

15 A. Yeah. But it's not what we think we owe.
16 What we did was, the time that they said that the
17 bills was that high, we're using the current for what
18 we are using -- what we use for 2014, okay. See, we
19 were in the building May 2014, okay. So when we look
20 at the bill for May 2014, and when we look at the
21 bill for September, so it's kind of giving an
22 average. And also, it may be even higher, the
23 estimate is higher, giving them the benefit of the
24 doubt, because you had no one in the building, now we

1 have kids in the building.

2 So if we say apple to apple -- if we had
3 apple to apple, you know, we would have said, okay,
4 nobody in the building in 2013, nobody in the
5 building 2014. So it should be about the same. But
6 what we did was we said, okay, we do have kids in the
7 building, which is going to make it a little bit
8 higher of what a normal bill prior to that would have
9 been. You see what I am saying?

10 If no one was in the building, like giving
11 you an example, your Honor, that March 8, 2013, which
12 this was an average bill of \$53, okay. Nobody is in
13 the building, okay. Now, you look back March 10,
14 2014 -- wait. I am sorry. Let's not look at March,
15 because we had kids starting in April, okay. So and
16 these still look pretty high. So we're going on.
17 They come in about \$20 or so higher with the kids in
18 the building. Now we're not at our full capacity
19 yet. But we have kids in the building and adult
20 staff.

21 JUDGE ALBERS: And I will just state for the
22 record, Ms. Pettiford is referring to Pettiford
23 Exhibit 4 in the calculations she was pointing out.

24 Did you have any other closing statements?

1 MS. PETTIFORD: No, your Honor.

2 JUDGE ALBERS: Just so everything is clear

3 then. Is there any objection to Pettiford Exhibits,

4 1, 2, 3, 4, or Group Exhibit 5?

5 MR. JONES: No, your Honor. Except that

6 given the latest testimony, I would like to ask some

7 additional questions regarding --

8 JUDGE ALBERS: All right. You don't think

9 it will change your --

10 MR. JONES: No. I have no objection.

11 JUDGE ALBERS: I want to make sure we take

12 care of that.

13 So Pettiford 1, 2, 3, 4, and 5 are admitted

14 without objection.

15 (Pettiford Exhibits 1, 2, 3, 4 and

16 Group 5 were admitted into evidence

17 at this time.)

18 JUDGE ALBERS: Okay. And also, before I

19 forget, did you have any objections, yourself, to

20 Illinois-American Exhibits 2, 3, 4, and 5?

21 MS. PETTIFORD: No, your Honor. Once again,

22 support what I have been saying.

23 JUDGE ALBERS: Okay.

24 Then Illinois-American Exhibits 2, 3, 4, and

1 5 are admitted without objection.

2 (Illinois-American Exhibits 2.00,
3 3.00, 4.00, and 5.00 were admitted
4 into evidence at this time.)

5 JUDGE ALBERS: All right. Mr. Jones, if you
6 have a couple of follow-ups. We'll have to wrap this
7 up pretty soon though.

8 MR. JONES: Yes. Thank you, your Honor.

9 RE CROSS EXAMINATION

10 QUESTIONS BY MR. JONES:

11 Q. Ms. Pettiford, you filed your formal
12 complaint in this matter on July 15, 2014, correct?

13 A. If that's what the records state, that is
14 correct.

15 Q. You know what, I can just give you a copy of
16 it.

17 A. Okay.

18 Q. I'll mark -- it is in the record in
19 e-Docket, but IAWC 6.00 --

20 JUDGE ALBERS: I don't think we need to mark
21 the complaint itself as an exhibit.

22 MR. JONES: Just use it as your copy.

23 JUDGE ALBERS: Yeah, just reference to that.

24 THE WITNESS: Yes, okay. I agree.

1 Q. (By Mr. Jones) And you filed your -- you
2 placed your informal complaint about the high bill
3 back in October of 2013?

4 A. I think that is correct.

5 Q. After discussions with the ICC consumer
6 counter, the counselor determined that your informal
7 complaint had no merit and ICC was not going to take
8 any further action on it at the informal stage?

9 A. No. ICC said that since you guys cannot do
10 this, was telling me my next procedure to do.

11 Q. Correct.

12 The filing a formal complaint?

13 A. Okay.

14 Q. Strike that.

15 A. Okay.

16 Q. So you filed your informal complaint in the
17 fall of 2013. The ICC counselor determined that your
18 next step was to file your formal complaint. And
19 that informal decision from the ICC counselor was at
20 the end of 2013 or early 2014, correct?

21 A. Whatever the record shows as far as the
22 paper, when I filed, it kind of stands by itself. So
23 I -- to go through this stack, but it's whatever. I
24 don't dispute anything that I filed and the date that

1 they received it.

2 Q. Sure.

3 So from the conclusion of your informal
4 complaint to the filing of your formal complaint on
5 July 15, 2014, you had no active dispute in the ICC?

6 A. My dispute was with you guys, not with the
7 ICC.

8 Q. So if you got disconnection notices and with
9 the deadlines of April 14th, June 11th, August 5th --

10 A. August 5th of when?

11 Q. Of 2014.

12 As I believe your Exhibit Number 5 shows,
13 you had no active dispute with the Company in front
14 of the ICC?

15 A. Okay. I am sure that we're going to make
16 copies.

17 JUDGE ALBERS: Yes.

18 THE WITNESS: Yes, we're making copies of
19 everything and to say when that the disconnection
20 notice was out. And if you want, if the records
21 reflect that maybe it was one more copy of a
22 disconnection notice that we -- that I added in here
23 that should not -- was prior to that.

24 But also, it should reflect how many I did

1 receive after it was turned over to the Illinois
2 Commerce Commission, and also the action to
3 disconnect me that was turned over that was done
4 after it was turned over to Illinois Commission --
5 Commerce Commission.

6 MR. JONES: Okay. I have no other
7 questions, your Honor.

8 MS. PETTIFORD: Thank you.

9 JUDGE ALBERS: All right.

10 Do either of you wish to file any kind of
11 legal brief? Just to basically put it in writing a
12 summary of why you think you should win and apply any
13 rules or laws to support it, to support your
14 argument. It's up to you. You don't have to. Same
15 question with Mr. Jones.

16 MS. PETTIFORD: I am kind of new with all
17 this procedure. I am thinking everything that I have
18 supplied and received is enough evidence. And even
19 the evidence that they have supplied, I feel like it
20 has added to support what I am saying. I don't see
21 anything else, as far as writing, to say.

22 JUDGE ALBERS: Okay. I just want to give
23 you the option.

24 MS. PETTIFORD: I appreciate that. But I am

1 new. I don't think I see any reason why.

2 JUDGE ALBERS: Mr. Jones, do you see any
3 legal issues?

4 MR. JONES: I'm relatively open. I don't
5 see a reason to do it either.

6 JUDGE ALBERS: Looks like a factual question
7 to me as well. I wanted to give the option.

8 All right. Is there anything else for the
9 record then today?

10 (No response.)

11 JUDGE ALBERS: With that then, thank you
12 both. I will make sure Judge Yoder gets all this
13 information and I will mark the record heard and
14 taken.

15 HEARD AND TAKEN.

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the hearing aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Angela C. Turner
IL CSR #084-004122